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Hugues Gabriel

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EXAMINER

SMITH, GARRETT A

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,114	Applicant(s) GABRIEL ET AL.	
	Examiner Garrett Smith	Art Unit 2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is regarding Applicant's response filed 16 June 2008 to a prior Office Action. Claims 13 – 28 are pending. Claims 13, 14 and 18 – 20 are amended. Claims 22 – 28 are new. Claims 11 and 12 are canceled.
2. This Action is the **Third Action, Non-Final Rejection, RCE**.

Continued Examination under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed 16 June 2008 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 June 2008 has been entered.

Response to Arguments

35 USC § 102(b)

4. Applicant's amendments, filed 16 June 2008, regarding the rejection under 35 USC § 102(b) of claims 11 and 12 have been fully considered and are persuasive. Claims 11 and 12 have been canceled. For these reasons, the rejection under 35 USC § 102(b) of claims 11 and 12 is **withdrawn**.

35 USC § 103(a)

5. Applicant's arguments (page 10 – 19) and amendments, filed 16 June 2008, regarding the rejection under 35 USC § 103(a) of claims 13 – 28 have been fully considered but they are not persuasive.

Applicant comments, "In reviewing the prosecution to date, it seems the invention has been misunderstood" and states, "[T]he claims are not directed to processing of reservation requests but rather to the processing (storage or access) specific data." Further, Applicant provides examples and such to explain the invention. The Examiner respectfully does not see how the described examples have any relation to the claims. The Examiner also fails to see how a more specific activity (processing of reservation requests which involve storage and processing of the requests) can not anticipate (or render obvious) a broader, generalized activity of processing data.

From claim 13, the claim appears to complete these major activities: creating rules, storing the rules; defining the market pair and creating a table of geographical zone types and associated priority ranks. The Examiner notes that the broad recitation of creating rules (and storing them) can be satisfied by a range of activities from composing SQL SELECT statements to setting Microsoft® Outlook email rule. The content of the rule has little or no bearing on the functionality of the rule. In this case, that the information has to do with airplane flights does not change the functionality of the claimed invention. The "service information" content can easily be replaced by ship, train or bus information (rather than airplane) and no functionality of the claimed invention changes.

Further in claim 13, the "defining" step is perplexing. This step is effectively a repeat of at least part of the "creating rules" step. The claim requires each rule to have a criteria section and a content section. At least one criterion from the criteria section has a market pair which has an origin market (defining a departure geographic zone) and a destination market (defining an arrival geographic zone). As the rules are created, so too are the criteria with market pairs. In the defining step, the step requires that the market pair have an origin market (corresponding to a geographical zone type consisting of an airport, a city, a state, etc) and a destination market (corresponding to a geographical zone type consisting of an airport, a city, a state, etc). The Examiner questions why this step is repeated.

Further in claim 13, the claim requires the creation of a table with certain geographical zone types and priority rank for each geographical zone types. The Examiner first notes that this is a very broad recitation of table creation with data. The functionality of table creation is well known in the art and is not affected much (if at all) by the specificity of the data. While the step does require a priority ranking of each of the geographical zone types, priority ranking of items in a table is well known in the art and well within the capabilities of a person of ordinary skill in the art. Further, the Examiner notes that the created table is not used within the body of the claim (it is not even stored anywhere). The geographical zone types from the table creation step are not necessarily the same geographical zone types from the other steps. The step appears to be tacked on the method and has no required relationship to the other steps.

Applicant's first set of arguments center around that Faltings and Mogler use "classical data in a classical way". The Examiner is unsure what Applicant is referring to in terms of "classical way". Any operation, method or system can be considered "classical" if it is prior to the effective filing date of the Application under examination. Further, Applicant's arguments state that "service information" is not taught by Faltings and Mogler. The Examiner submits that "service information" has no functional relationship to the claimed invention. The service information is not used, modified in specific manner, manipulated or otherwise employed by the claimed invention. Changing the service information does not change the operation of the claimed invention.

On page 15, Applicant states,

Mogler and Faltings do not return the same kind of data on the basis of the criteria comprising origin and destination markets. This is because they fail to disclose the rules built according to the invention, said rules comprising criteria (with market part definition) and a content which is not a flight identification but another type of data-service information. Such type of data has never been processed (stored or accessed) in the way of the invention.

The Examiner respectfully disagrees with this entire statement. First, Applicant admits (on page 14) that "Faltings teaches entering criteria such as a market of origin and a market of destination". Second, the Examiner submits that there is no requirement that the service information not include a flight number. In actuality, the content section does not even require service information at all. The content section only requires "data corresponding to a type of service information". This can reasonably be a flight number, airplane number or a host of other related information. Thus, service information, itself,

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is not a required feature of this claim. As such, claims 22 – 28 have little or no weight at all in regard to the patentability of the claimed invention.

Applicant argues that Faltings and Mogler do not disclose multiple geographic zone types. In regard to claim 13 (along with claims 16 – 26 and 28), there is no requirement that there be any more than a single zone type. The table can have a single zone type (as Mogler has) and still meet this limitation. However, with claims 14, 15 and 27 (because dependence on claim 14), the Examiner must agree that these claims require four types of zones (in claim 14 and 26) and at least two types of zones (in claim 15). However, the Examiner submits that a person of ordinary skill in the art would know how to implement a variety of zone types in order to ease and limit the number of search results. The specific zones (airport, city, country, geographic region) are well known in the art as criteria to be used in limiting searches. It would be a trivial modification to include an expansive list of zones. Thus, a rejection is entered below stating such.

For these reasons, the rejection under 35 USC § 103(a) of claims 13 and 18 is **maintained**. The rejection under 35 USC § 103(a) of claims 14 – 17 and 19 – 21 is **withdrawn**. However, new grounds of rejection are provided below.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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7. Claims **13 – 28** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

8. Claims **13 – 28** fail the machine-or-transformation test which is a two-branched inquiry. It may be shown that a process claim satisfies 35 USC § 101 by showing that a claim is tied to a particular machine or by showing that a claim transforms an article into a different state or thing. See *Gottschalk v. Benson*, 409 U.S. 63, 67 (1972). As to the first prong (machine), the Examiner cannot find any showing that these claims are attached to a specific machine. As to the second prong (transformation), the process claims do not transform a physical article into a different state or thing. The process claims are merely manipulating abstract data without regard to any physical article or object.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims **13, 18, 22 – 26 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Faltings et al. (US Patent Application 2003/0033164, hereafter “Faltings”) in view Mogler et al. (US Patent Application 2003/0110062, hereafter “Mogler”).

12. In regard to **claim 13**, Faltings teaches a method for storing and accessing data in databases of a computerized travel reservation system, comprising the steps of:

Creating rules (*see travel segments and constraint are the rules, in paragraph [0033] and [0034]*) for accessing database data, the data being service information applicable to flights (*intended use recitation and thus has no patentable weight*),

each rule comprising a criteria section containing at least one criterion (see selection of trip in Fig. 3 item#46) used for definition of the flights to which the rule is applicable (*intended use recitation and thus has no patentable weight*), and a content section containing data (*see constraint refers to the data value of travel itinerary, in paragraph [0034]*) corresponding to a type of service information applicable said applicable flight,

the at least one criterion in each rule being a market pair (*see origin and destination airport, in paragraph [0033]*), the market pair comprising i) an origin market defining a geographic zone of departure of the flight and ii) a destination market defining

a geographic zone of arrival of the flight (*see geographical representation of origin and destination market, in Fig. 3 item#48*);

Storing the created rules in a database on a computer readable medium (*see travel information database stores all the travel segments and constraint, in paragraph [0027]*); and

Accessing the content of the stored rules in response to a request (*see identify itineraries by accessing a travel information database, in paragraph [0040]*).

Defining the market pair with i) the origin market corresponding to at least one geographical zone type from the group consisting of an airport, a city, a state and country, a country, a geographical region, and a world (*see origin airport which is a geographical zone, in paragraph [0033]*), and ii) the destination market corresponding to at least one geographical zone type from the group consisting of an airport, a city, a state and country, a country, a geographical region, and the world (*see destination airport which is a geographical zone, in paragraph [0033]*).

Faltings discloses a method for storing and accessing data in databases of a computerized travel reservation system. However Faltings does not disclose creating a table of geographical zone types and a priority rank associating with each geographical zone type, the priority rank associated with each geographical zone type decreasing as a function of the precision of the associated geographical zone type. Mogler discloses creating a table of geographical zone types and a priority rank associating with each geographical zone type, the priority rank associated with each geographical zone type decreasing as a function of the precision of the associated geographical zone type (*see*

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priority rank associated with city code, in Fig. 4 item#312). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine priority rank of Mogler with Faltings because it would help to get an optimal solution (see paragraph [0010] of Mogler).

13. In regard to **claim 18**, Faltings discloses a method for storing and accessing data in databases of a computerized travel reservation system. However Faltings does not disclose additional criteria used for selection of a trip; and assigning, to each of the additional criterion, a value corresponding to a weight based on a degree of importance of each additional criterion, wherein, a total weight of each rule is a total of the weights assigned to the additional criteria. Mogler disclose additional criteria used for selection of a trip; and assigning, to each of the additional criterion, a value corresponding to a weight based on a degree of importance of each additional criterion, wherein, a total weight of each rule is a total of the weights assigned to the additional criteria (see an additional criterion target share is assigned, in Fig. 4 item#310). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine an additional criterion of Mogler with Faltings because it would help to get optimal solution (see paragraph [0010] of Mogler).

14. In regard to claims **22 – 26 and 28**, these claim recite specific “service information”. The “service information” is accorded no patentable weight because it is content. See arguments provided in the arguments section.

15. Claims **14, 15 and 27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Faltings et al. (US Patent Application 2003/0033164, hereafter "Faltings") in view Mogler et al. (US Patent Application 2003/0110062, hereafter "Mogler") and further in view of Official Notice.

16. In regard to **claim 14**, Faltings discloses a method for storing and accessing data in databases of a computerized travel reservation system. However Faltings does not disclose created table includes at least i) the airport geographic zone type with a first priority rank, ii) the city geographic zone type with a second priority rank greater than the first priority rank, iii) the country geographic zone type with a third priority rank greater than the second priority rank, and iv) the geographic region geographic zone type with a fourth priority rank greater than the third priority rank. Mogler discloses using of priority ranks for different elements (see priority rank is different for different city, in Fig. 4 item#312). Neither Faltings nor Mogler explicitly discloses all four types (airport, city, country, region). The only type explicitly recited is the city type by Mogler in Figure 4. However, the Examiner submits that a person of ordinary skill in the art at the time of invention would recognize how to place addition zone types into a table and thus takes Official Notice for this subject matter. Adding various zone types into a table is a trivial activity for a person of ordinary skill because it only requires basic database techniques (or even a ruler, a pencil and a sheet of paper to draw the table and fill out the rows and columns). Thus, it would have been obvious to a person of ordinary skill in the art at the time of invention to use various zone types with that of Faltings and Mogler because a table with various zone types with associated priorities can be used

to facilitate operations regarding other tables such as the operations of sorting or searching based on priority).

17. In regard to **claim 15**, Faltings discloses a method for storing and accessing data in databases of a computerized travel reservation system. However Faltings does not explicitly disclose the origin market is a first geographical zone type and the destination market is a different, second geographical zone type. Mogler discloses the origin market is a city and the destination market is a different city (see priority rank is different for different city, in Fig. 4 item#312). Thus, Mogler teaches that the two markets can be different. As shown by the discussion of claim 14, neither Faltings nor Mogler explicitly discloses multiple zone types. However, the Examiner submits that having different geographical zone types would have been well known to a person of ordinary skill in the art and would have been trivial to implement. The specific zones (airport, city, country, geographic region) are well known in the art as criteria to be used in limiting searches. Thus, it would have been obvious to a person of ordinary skill in the art at the time of invention to use various zone types with that of Faltings and Mogler because a table with various zone types with associated priorities can be used to facilitate operations regarding other tables such as the operations of sorting or searching based on priority).

18. In regard to **claim 27**, “the service information, applicable to the flights within the creating rules for accessing database data, is the numbers of the loading terminals for the applicable flights so that loading terminals are determinable, via the defined market pair, for flights between the origin market and the destination market of the defined

market pair” is considered to be content and thus has no patentable weight (*see arguments provided in the Arguments section*).

19. Claims **16, 17 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Faltings et al. (US Patent Application 2003/0033164, hereafter “Faltings”) in view Mogler et al. (US Patent Application 2003/0110062, hereafter “Mogler”) and further in view of Official Notice.

20. In regard to **claim 16**, Faltings discloses a method for storing and accessing data in databases of a computerized travel reservation system. However Faltings does not disclose calculating a priority of each market pair by i) assigning a first priority value to the origin market based on the priority rank associated with the geographical zone type of the origin market, ii) assigning a second priority value to the destination market based on the priority rank associated with the geographical zone type of the destination market, and iii) combining the first priority and the second priority. Mogler teaches assigning priority values to the origin and destination markets (paragraph [0041]). However, both Moger and Faltings are silent as to “combining” the two priorities. The Examiner notes that “combining” is extremely broad in that it can be any of many mathematical operations including (but not limited to) addition, subtraction etc. Another operation used in mathematics is the concept of significant figures. “Significant figures” is a measure of precision of a particular value. Thus, in multiplication when there are unequal numbers of significant figures, the least number of significant figures are selected. For example, a first number 1.03 has 3 significant figures and a second

number 1.0 has 2 significant figures. If these numbers are added (or another mathematical operation) together, the result would be a number with 2 significant figures. The same concept can be applied with priorities. If there is a first priority and a second priority with the second being more significant than the first, the first priority can be selected. The Examiner takes Official Notice of the concept of significant figures. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention to include the concept of significant figures with the priority determinations of Mogler with Faltings because significant figures allows of a systematic and accepted way for determination of the priority of the total element in a fast and efficient manner.

21. In regard to **claim 17**, Faltings and Mogler disclose a method for storing and accessing data in databases of a computerized travel reservation system. Mogler discloses using of priority ranks for different elements (see priority rank is different for different city, in Fig. 4 item#312). The type explicitly recited is the city type by Mogler in Figure 4. However, the Examiner submits that a person of ordinary skill in the art at the time of invention would recognize how to place addition zone types into a table and thus takes Official Notice for this subject matter. Adding various zone types into a table is a trivial activity for a person of ordinary skill because it only requires basic database techniques (or even a ruler, a pencil and a sheet of paper to draw the table and fill out the rows and columns). Thus, it would have been obvious to a person of ordinary skill in the art at the time of invention to use various zone types with that of Faltings and Mogler because a table with various zone types with associated priorities can be used to facilitate operations regarding other tables such as the operations of sorting or

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searching based on priority). Mogler teaches assigning priority values to the origin and destination markets (paragraph [0041]). However, both Moger and Faltings are silent as to “combining” the two priorities. The Examiner notes that “combining” is extremely broad in that it can be any of many mathematical operations including (but not limited to) addition, subtraction etc. Another operation used in mathematics is the concept of significant figures. “Significant figures” is a measure of precision of a particular value. Thus, in multiplication when there are unequal numbers of significant figures, the least number of significant figures are selected. For example, a first number 1.03 has 3 significant figures and a second number 1.0 has 2 significant figures. If these numbers are added (or another mathematical operation) together, the result would be a number with 2 significant figures. The same concept can be applied with priorities. If there is a first priority and a second priority with the second being more significant than the first, the first priority can be selected. The Examiner takes Official Notice of the concept of significant figures. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention to include the concept of significant figures with the priority determinations of Mogler with Faltings because significant figures allows of a systematic and accepted way for determination of the priority of the total element in a fast and efficient manner.

22. In regard to **claim 19**, Faltings discloses a method for storing and accessing data in databases of a computerized travel reservation system. However Faltings does not disclose the first criteria section for at least some of the rules, additional criteria used for selection of a trip; and assigning, to each of the additional criterion, a value

corresponding to a weight based on a degree of importance of each additional criterion, wherein, a total weight of each rule is a total of the weights assigned to the additional criteria. Mogler disclose the first criteria section for at least some of the rules, additional criteria used for selection of a trip; and assigning, to each of the additional criterion, a value corresponding to a weight based on a degree of importance of each additional criterion, wherein, a total weight of each rule is a total of the weights assigned to the additional criteria (see weight is assigned to the additional criterion, in Fig. 4 item#310). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine assigning weight to the additional criterion of Mogler with Faltings because it would help to get optimal solution (see paragraph [0010] of Mogler).

23. Claims **20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Faltings et al. (US Patent Application 2003/0033164, hereafter "Faltings") in view Mogler et al. (US Patent Application 2003/0110062, hereafter "Mogler"), in view of Official Notice and further in view of Winter et al (US Patent Application 2001/0007088, hereafter "Winter").

24. In regard to **claim 20**, Faltings and Mogler disclose creating a reservation request by entering a origin market and a destination market as part of a trip search; searching the stored rules to find rules with market pairs agreeing with both the origin market and the destination market entered for the reservation request; for the rules found to having market pairs agreeing with both the origin market and the destination market, for each rule, computing the priority value of each market pair by i) assigning a

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priority value to the origin market based on the priority rank associated with each geographical zone type of the origin market, ii) assigning a second priority value to the destination market based on the priority rank associated with each geographical zone type of the destination market. However Faltings and Mogler do not disclose combining the priority values of the origin market with the priority values of the destination market to define the computer priority value of the market pair of the rule; and responsive to the trip search, returning the content of the rule having the market pair with the lowest computed priority value. Winter disclose combining the priority values of the origin market with the priority values of the destination market to define the computer priority value of the market pair of the rule; and responsive to the trip search, returning the content of the rule having the market pair with the lowest computed priority value (see combining priority values of more the one cities, in paragraph [0060] and finding the lowest priority value, in paragraph [0062]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine priority values of different cities of Winter with Faltings and Mogler because it would help to get optimal solution (see paragraph [0010] of Mogler).

25. In regard to **claim 21**, Faltings and Mogler disclose a method for storing and accessing data in databases of a computerized travel reservation system. However Faltings and Mogler do not disclose returning the content of the rule having the market pair with the lowest computed priority value, of two rules having the same lowest computed priority value, returning the content of the rule having the origin market with the lowest priority value. Winter disclose returning the content of the rule having the

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market pair with the lowest computed priority value, of two rules having the same lowest computed priority value, returning the content of the rule having the origin market with the lowest priority value (see principal minimization applies if two priority values are the same, in paragraph [0062]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to principal minimization of Winter with Faltings and Mogler because it would help to get optimal solution (see paragraph [0010] of Mogler).

Conclusion

26. The Examiner requests, in response to this Office action, that support be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

27. When responding to this Office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garrett Smith whose telephone number is (571)270-1764. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 22, 2009

/GS/
Garrett Smith
Patent Examiner
Art Unit 2168

/Tim T. Vo/

Supervisory Patent Examiner, Art Unit 2168